

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:15-CR-372-1H

UNITED STATES OF AMERICA,)
)
)
v.)
)
)
GENESIS LEE WHITTED, JR.,)
Defendant.)

ORDER

This matter is before the court on defense counsel's motion to withdraw as counsel of record in this matter as well as defense counsel's motion for injunctive relief and/or protective order. The court held a hearing in these matters on Tuesday, September 26, 2017. At the hearing the court heard from defendant's counsel, Mr. James Ayers, as well as from defendant himself. Having reviewed the record in this matter and considered carefully the motions and the argument made at the hearing, the court makes the following findings:

Defense counsel's motion to withdraw is DENIED. Defense counsel is the fourth lawyer to represent defendant in connection with this matter. Defendant's trial is scheduled to commence on October 16, 2017, less than three weeks from today's date. Defense counsel has already done significant preparatory work for the trial, including the filing of jury instructions

with this court. It would be detrimental to the defendant were defense counsel to be allowed to withdraw at this time.

However, in light of the difficulties that have arisen due to the interference and advice being given to defendant by his family members, specifically, his aunt Jillian Sheridan, this court finds it necessary to appoint a second lawyer to assist Mr. Ayers in this matter. The court hereby directs the Federal Public Defender to promptly designate an additional counsel to assist lead counsel in this matter.

Furthermore, the court is aware of the extreme hardship the interference of family members, specifically Jillian Sheridan, has caused and continues to cause for this defendant and for court-appointed counsel. These hardships are detailed in the filings of defense counsel, other filings of record, and were made abundantly clear by both defense counsel's argument at the hearing as well as by defendant himself during his opportunity to speak directly to the court. Defendant's family and his aunt, Jillian Sheridan, have continuously contacted and otherwise berated counsel and counsel's staff. They attempt to give advice of a legal nature to defendant and are compromising defense counsel's ability to provide quality legal service to defendant. Counsel has been threatened with a lawsuit and other demands.

The court notes appointed counsel's duty, as an officer of the court, to serve his client, not his client's family. Mr. Ayers is not and never has been the attorney for Jillian Sheridan or any other family member. His duty is to serve the best interest of his client, Genesis Whitted, a duty he assures the court he has been doing and continues to do.

The court finds the extraordinary circumstances in this matter necessitate an order enjoining defendant's family, and specifically, Jillian Sheridan from contacting defense counsel or his staff any further. THEREFORE, Ms. Sheridan and the defendant's family ARE ENJOINED from contacting defense counsel or his staff any further. Ms. Sheridan is admonished to cease interfering in Mr. Ayer's representation of Genesis Whitted.

For the foregoing reasons, the motion to withdraw [DE #185] is DENIED and the motion for protective order is GRANTED IN PART [DE #189]. The trial of this matter remains scheduled to commence October 16, 2017. The clerk is directed to send a copy of this order to the Federal Public Defender.

This 26th day of September 2017.



Malcolm J. Howard
Senior United States District Judge

At Greenville, NC
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